



PATENT  
Customer No. 22,852  
Attorney Docket No. 7528.0003-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4  
NDB  
2-8-02

In re Application of: )  
)  
Todd J. MORTIER et al. ) Group Art Unit: 3738  
)  
Application No.: 09/981,790 ) Examiner: Unknown  
)  
Filed: October 19, 2001 )  
)  
For: VALVE TO MYOCARDIUM )  
TENSION MEMBERS DEVICE )  
AND METHOD )

RECEIVED  
FEB-6 2002  
TC 3700 MAIL ROOM

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the documents listed on pages 1-6 of the attached Form PTO-1449 were either previously submitted by Applicants or cited by the Examiner in U.S. Application No. 08/992,316, filed December 17, 1997, now U.S. Patent No. 6,332,893, upon which Applicants rely for the benefits provided in 35 U.S.C. §120. Therefore, in accordance with 37 C.F.R. §1.98(d), copies of these documents are not submitted herewith. Copies of the documents listed on pages 7-10 of the attached Form PTO-

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

1449 are submitted herewith. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on each page of the attached PTO Form-1449. Should the Examiner for any reason need a copy of a cited document, the Examiner is invited to telephone the undersigned at (202) 408-4445 and such copy shall be provided.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 4, 2002

By: *Susanne C. Tinker*  
Susanne C. Tinker  
Reg. No. 44,472

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com